

## Office of Professional Accountability (OPA) Commendations & Complaints Report October 2004

### Commendations:

Commendation Received in October: 28

Commendations Received to Date: 569

Rank	Summary
(3) Officers	Three officers received commendations for excellence in an investigation that brought two felons and their crime spree to a halt. The officers' outstanding work brought the victim's financial nightmares to an end.
(1) Officer	A summer day camp for children appreciated the opportunity to ride in the Harbor Unit boats. One officer was singled out who provided a terrific presentation and was a wonderful representative of the Department.
East Precinct Officers	Residents expressed thanks for an increased police presence in their neighborhood, resulting in a decrease in crime.
(1) Director (1) Sergeant	A panel of law-enforcement personnel attended a local law school and briefed students on the human side of law-enforcement. The students appreciated the time and topics discussed.
(1) Detective (4) Officers	Three suspects were arrested on multiple charges. The dedication, professionalism, and thorough investigative work of the officers involved was impressive.
(6) Officers	Officers successfully collaborated to solve a string of convenience store robberies and make an arrest.
(1) Officer	A Public Information Officer provided positive and invaluable information regarding school-related media issues.
(1) Sergeant Multiple Officers	A sergeant and several officers provided security at a well-attended local annual event. The community appreciated the advanced event planning.
(2) Officers	Two officers tracked down an individual who was threatening others. The officers then later testified at a hearing. Their dedication to their jobs and representation of the Department spoke well of both officers.
(3) Officers	Officers responded to a 911 call involving a two-vehicle accident and property damage. The officers' thorough investigation proved it was a hit-and-run accident, and the person involved was cited.
(1) Officer	An officer organized a fundraising event (third year running) that raised money to help the widows and children of New York's fallen officers from the 9/11 tragedy.
(1) Detective	A detective displayed professionalism and devotion in curbing drug dealing in the area, and the detective's work ethic is appreciated.
(1) Officer (1) Civilian	Two individuals provided direction and information on safe living habits to tenants, and their professional and informative assistance was appreciated.

## October 2004 Closed Cases:

*Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.*

*Cases are reported by allegation type. One case may be reported under more than one category.*

### UNNECESSARY FORCE

Synopsis	Action Taken
Complainant alleged he observed the named employee use unnecessary force during the subject's arrest.	The subject was contacted by police during a noise disturbance contact. The subject refused to leave when ordered by police. The subject stated that the named employee pushed him against a vehicle, pulled his hair, and grabbed him by the throat. The subject had only minor injuries and did not require treatment. The named employee denied using any force on the subject. However, an independent witness observed the encounter and corroborated the subject's description of the force. Finding – SUSTAINED.
Complainant alleged the named employees used unnecessary force when they dragged the subject to a sidewalk and dropped him by an electrical box, causing injuries to his face. The complainants further allege that the employees displayed unprofessional behavior at the scene.	The investigation established the following. The named employees were working off-duty in uniform when they were called to remove an intoxicated individual from private property. The subject could not stand or walk, and the employees had to hold him to escort him to the sidewalk, and the tip of his toes dragged on the ground. At one point, the subject took a partial swing at an officer, then fell to the ground, causing facial injuries. Though the encounter was upsetting to bystanders, the officers' actions were within policy. Finding – EXONERATED. The comments and behavior of the officers at the scene were reviewed. The officers' actions did not amount to misconduct. Finding for Conduct Unbecoming – EXONERATED.

### MISUSE OF AUTHORITY

Synopsis	Action Taken
It was alleged that while providing police services to an adult victim of domestic violence, the named employee pursued an unwelcome personal relationship with the victim.	A thorough investigation produced evidence that supported that the named employee did establish a personal relationship with the complainant. The employee retired from the Department. Finding for Misuse of Authority and Conduct Unbecoming – SUSTAINED.

### VIOLATION OF LAW

Synopsis	Action Taken
It was alleged that the named employee committed a violation of law by assaulting his neighbor.	The investigation established that the employee had punched his neighbor during an altercation. The employee entered into a deferred prosecution for misdemeanor assault. The employee resigned from the Department. Finding – SUSTAINED.

### CONDUCT UNBECOMING AN OFFICER

Synopsis	Action Taken
It was alleged that the named employee failed to cooperate with	An investigation produced conflicting evidence. The officer from another jurisdiction felt that the named employee was

a criminal investigation by another jurisdiction.	uncooperative and did not reveal that he was a police officer. The officer stated that the inquiries were made by cell phone, that he was not sure who he was speaking to, or whether it was part of an official investigation. Finding – NOT SUSTAINED.
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**FAILURE TO TAKE APPROPRIATE ACTION**

Synopsis	Action Taken
It was alleged the named officer failed to take appropriate action during the course of her assigned duties. It was also alleged that the named employee failed to take appropriate action while handling evidence at a hit and run accident.	An investigation produced evidence of three separate incidents where the named officer did not fulfill her duties as a police officer by not answering her radio and not responding promptly to calls. The evidence also substantiated that the named employee knew that equipment was evidence of a crime and failed to properly secure and document it as required by policy. The employee resigned from the Department. Finding – SUSTAINED.

**Definitions of Findings:**

**“Sustained”** means the allegation of misconduct is supported by a preponderance of the evidence.

**“Not sustained”** means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

**“Unfounded”** means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

**“Exonerated”** means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

**Referred for Supervisory Resolution.**

**Training or Policy Recommendation** means that there has been no willful violation but that there may be deficient policies or inadequate training that need to be addressed.

**“Administratively Unfounded/Exonerated”** is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee's actions were found to be justified, lawful and proper and according to training.

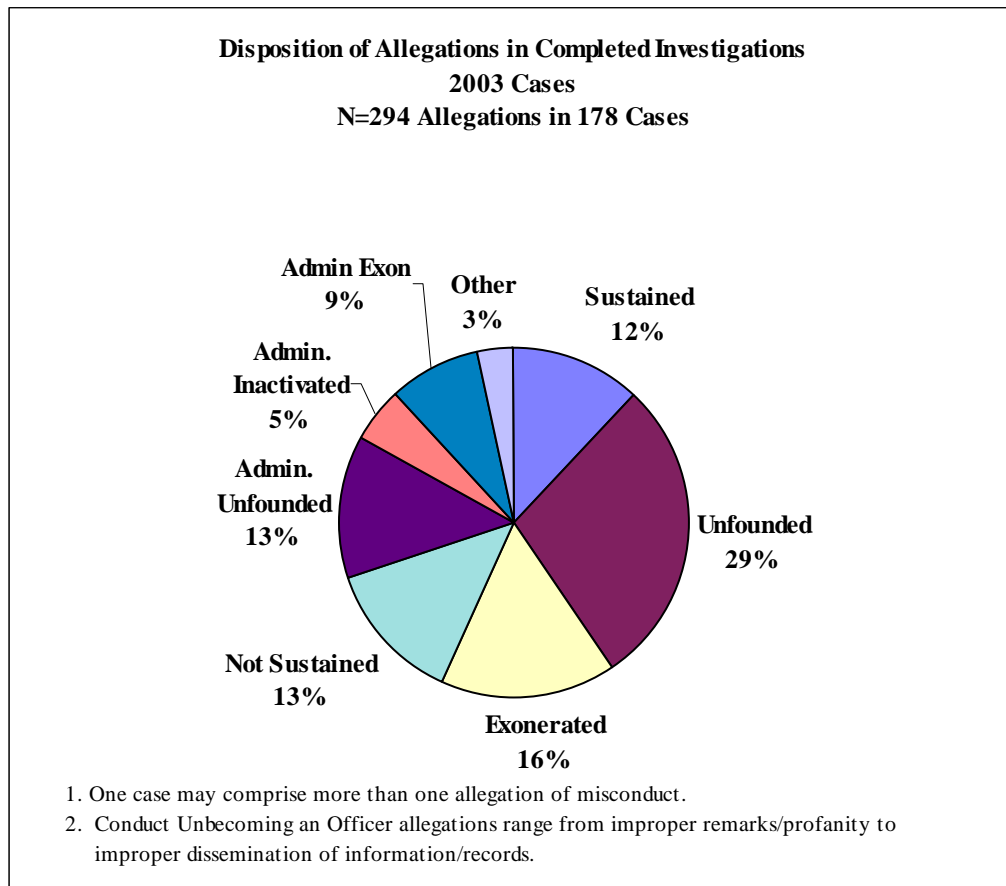
**“Administratively Inactivated”** means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

## Status of OPA Contacts to Date:

### 2003 Contacts

	December 2003	Jan-Dec 2003
Preliminary Investigation Reports	7	415
Cases Assigned for Supervisory Review	2	79
Cases Assigned for Investigation (IS;LI)	10	185
Cases Closed	2	178
Commendations	70	861

\*includes 2003 cases closed in 2004



### 2004 Contacts

	October 2004	Jan-Dec 2004
Preliminary Investigation Reports	12	222
Cases Assigned for Supervisory Review	9	46
Cases Assigned for Investigation (IS;LI)	14	163
Commendations	28	569